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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,427	01/12/2001	Fumio Teraoka	112857-229	9954
29175	7590	03/07/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC			PEZZLO, JOHN	
P. O. BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135			2662	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/759,427

Applicant(s)

TERAOKA, FUMIO

Examiner

John Pezzlo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahmed et al. (US 6,160,804) hereinafter Ahmed.

Note – Ahmed discloses methods and devices which utilize software (program instructions), refer to Figure 2 and column 6 lines 15 to 42

1. Regarding claims 1-3 (network node/intermediary node) - Ahmed discloses storage means for storing a first data for designating a first terminal device (mobile station) corresponding to the host name or node identifier of the first terminal device, as well as for storing a third data showing the position of one or more provision devices (foreign agent) for providing a second data showing the current position of the first terminal device (mobile station)

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located at the foreign agent), refer to Figures 1-4 and column 4 lines 48 to 67 and column 5 lines 1 to 22.

Ahmed discloses receive means to receive a transmit request for the third data and the first data corresponding to the first terminal device, transmitted along with the host name or node identifier of the first terminal device from the second terminal device (calling party), refer to Figures 1-4 and column 10 lines 13 to 60.

Ahmed discloses selection means to select a first data corresponding to the first terminal device stored in the storage means and to select a third data showing the position of one more provision devices when the transmit request is received from the receive means, refer to Figures 1-4 and column 11 lines 42 to 67 and column 12 lines 1 to 35.

Ahmed discloses a transmit means to transmit the first data and third data selected by the selection means, to the second terminal device (calling party), refer to Figures 5A and 5B and column 15 lines 25 to 65 and column 16 lines 1 to 20.

2. Regarding claims 4-6 (calling device – mobile station) – Ahmed discloses first transmit means for transmitting a transmit request for a second data showing the position of one or more first provision devices, as well as a first data designating a terminal device, to a second provision device along with the name or node identifier of the terminal device, refer to Figures 5A and 5B and column 15 lines 25 to 65 and column 16 lines 1 to 20.

Ahmed discloses first receive means for receiving a second data showing the position of one or more first provision devices as well as a first data for designating the terminal device from the second terminal device, refer to Figures 1-4 and column 10 lines 13 to 60.

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Ahmed discloses second transmit means for transmitting a request for transmission of a third data designating the position of the terminal device, along with a first data designating the terminal device, to any of the one or more first provision devices, Figures 1-4 and column 11 lines 42 to 67 and column 12 lines 1 to 35.

Ahmed discloses second receive means for receiving the third data designating the position of the terminal device from any of the one or more first provision devices, refer to Figures 1-4 and column 10 lines 13 to 60.

3. Regarding claims 7 - 10 - Ahmed discloses a handoff process, wherein both the mobile device and the network device move and report their position (which network device they are coupled too) as part of the handoff process, which discloses an information processing device (mobile device) which moves the connection position on the network, comprising first transmit means for transmitting to a first communication party (network device, current network device), a first data for designating the current position of the information processing device itself, along with a second data for designating the position prior to movement and further comprising second transmit means for transmitting to a second communication party (second network device, handover device), a third data (new network device for communicating over the network) for designating its own movement of said information processing device, refer to Figures 3B and 8A and 8B and column 11 lines 20 to 40 and column 19 line 1 to column 21 line 45.

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4. Regarding claim 12 – Ahmed discloses wherein said first receive means receives said first data and said second data based on connectionless-mode protocol, refer to Figure 1 and column 7 lines 20 to 35.

5. Regarding claims 11, 13, and 14 – Ahmed discloses a soft handoff process wherein a mobile device communicates with a new network device and the current network device prior to being handed-off to new network device, first receive means (mobile device) for receiving a first data designating a terminal device (mobile device) and a second data showing movement from said terminal device, refer to Figures 3B and 8A and 8B and column 11 lines 20 to 40 and column 19 line 1 to column 21 line 45.

Ahmed discloses first transmit means (mobile device) for transmitting a request for transmission of a third data showing the position of one or more first provision devices (new network device) along with the name or node identifier of said terminal device (mobile device) to a second provision device (current network device), refer to Figures 3B and 8A and 8B and column 11 lines 20 to 40 and column 19 line 1 to column 21 line 45.

Ahmed discloses second receive means (mobile device) for receiving said third data showing the position of said one or more first provision devices (new network device) from said second provision device (current network device), refer to Figures 3B and 8A and 8B and column 11 lines 20 to 40 and column 19 line 1 to column 21 line 45.

Ahmed discloses second transmit means (mobile device) for transmitting a request for transmission of a fourth data designating the position of said terminal device (mobile device), along with said first data designating said terminal device, to any of said one or more first

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provision devices (new network device), refer to Figures 3B and 8A and 8B and column 11 lines 20 to 40 and column 19 line 1 to column 21 line 45.

Ahmed discloses third receive means (mobile device) for receiving said fourth data designating the position of said terminal device from any of said one or more first provision devices (new network device), refer to Figures 3B and 8A and 8B and column 11 lines 20 to 40 and column 19 line 1 to column 21 line 45.

### ***Response to Arguments***

Applicant's arguments filed 25 October 2004 have been fully considered but they are not persuasive. Applicant argues on page 9 of the response that Ahmed does not disclose "storing means which stores a third data showing the position of more provision devices for providing a second data showing the current position of the first terminal device as in the claimed invention. Instead, Ahmed describes an identifier of a mobile station that remains the same. (Col. 4, lines 29-42). Therefore, Ahmed does not disclose, teach or suggest storing a location of the terminal devices as it moves from one node to another or from one location to another". The examiner respectfully disagrees. The claim as written reads on a standard IP mobility, wherein a home agent stores the location of a foreign agent that the mobile device has registered with (the foreign agent is the provision device which stores the location of the mobile device) in order for IP packets directed to the mobile device are forwarded to (care-of-address). The mobile device interfaces with the foreign agent to transmit and receive packets to/from the Internet. The foreign agent and the home agent set up a tunnel to insure speedy delivery of the packets between the

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home and foreign agents. Therefore, both the home agent and the foreign agent have storage means (HLR's and VLR's) for storing locations for the present location of the mobile device. The examiner has mapped the terms of the claim to the Ahmed reference as the following: the terminal device to the mobile station, the one or more provision devices as the foreign agent and the second terminal device as the calling device. If the mobile device moves a new foreign agent is assigned the care-of-address and stores the current location of the mobile device and a handoff is performed to prevent the loss of IP packets from being delivered to the mobile device.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Rai et al. (US 6,577,643 B1) discloses a message and communication system in a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272 3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272 3088. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272 2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Carlyle Campus

Jefferson Building


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2A15

Alexandria, VA.

John Pezzlo

1 March 2005



**JOHN PEZZLO**  
**PRIMARY EXAMINER**